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PLEASE RETURNREVISED PROPOSAL--FOR OCCUPATIONAL AND PROFESSIONAL LICENSING

The staff recommends the creation of a Department of Professional and Occupational Licensing headed by a Director. It is suggested that the Department be responsible for all administrative and ministerial duties now performed by the 25 professional and occupational licensing boards. More specifically the staff recommends:

1. That the boards be retained and that their membership be appointed for fixed terms by the Governor.
2. That the earmarked revenue accounts for each profession or occupation be retained. It is suggested that the Department collect all fees and deposit them in the appropriate account. The costs of operating the office should be assessed to the separate accounts on a pro-rata basis by the Director. The Director, with the boards, should handle the budgeting and accounting for all the earmarked revenue accounts.
3. That rules and regulations be adopted by the boards. Procedural rules should be uniform and in compliance with the Administrative Procedures Act (if adopted by the Legislature) or with accepted standards of procedural law. Substantive rules governing each profession (codes of ethics, sanitary requirements, etc.) should be based upon the requirements of each individual profession and thus should reflect the uniqueness of each profession. The Director should be responsible for the ministerial function of printing and distributing the rules and regulations.
4. That the Department utilize the advice of the boards in preparing and grading some of the examinations (practical, oral, essay, etc.). The boards should set qualifications for licensing of applicants. Generally, the Department should be responsible for the administration of examinations, grading, licensing and re-licensing. Exceptions should be made where it is required that someone of expertise administer or grade the examinations.
5. That an attorney or attorneys, if deemed necessary by the Director, may be employed for the Department's legal questions and actions.
6. That the Director appoint a member of the respective profession (who may not be a member of the licensing board) to assist the Department in the investigation of complaints of illegal or unethical conduct by members of that profession. This person should aid the legal staff of the Department in bringing charges before the boards. His action as investigator and/or prosecutor should be totally separated from the role of the board in hearing the case.

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7. That the board for the particular profession involved sit in judgment on hearings for the suspension or revocation of licenses. Legal counsel for the Department should conduct the hearings.

8. That inspections now performed by the various professional and occupational licensing boards fall under the jurisdiction of the other departments of state government which have the required expertise in the specific area. The totality of inspections being performed by the Plumbing Board, Water Well Contractors Board, Board of Hearing Aid Dispensers, Board of Pharmacy, Cosmetology Board, Board of Barber Examiners, Board of Morticians, and Board of Nursing Home Administrators should be transferred to the Department of Health. The inspections now under the Electrical Board should be performed by the agency of state government responsible for public safety. There should be communications between the Department of Professional and Occupational Licensing and the inspecting departments concerning infractions which could result in suspension or revocation proceedings. The inspections being performed by the Board of Abstracters Examiners should remain under the Director, who should call upon the board to conduct the inspections. (This recommendation is made in view of the fact that the necessary expertise is not found in any other department of state government and the number of inspections is extremely limited.) Any fees collected for the inspections should go to the department conducting the inspection.

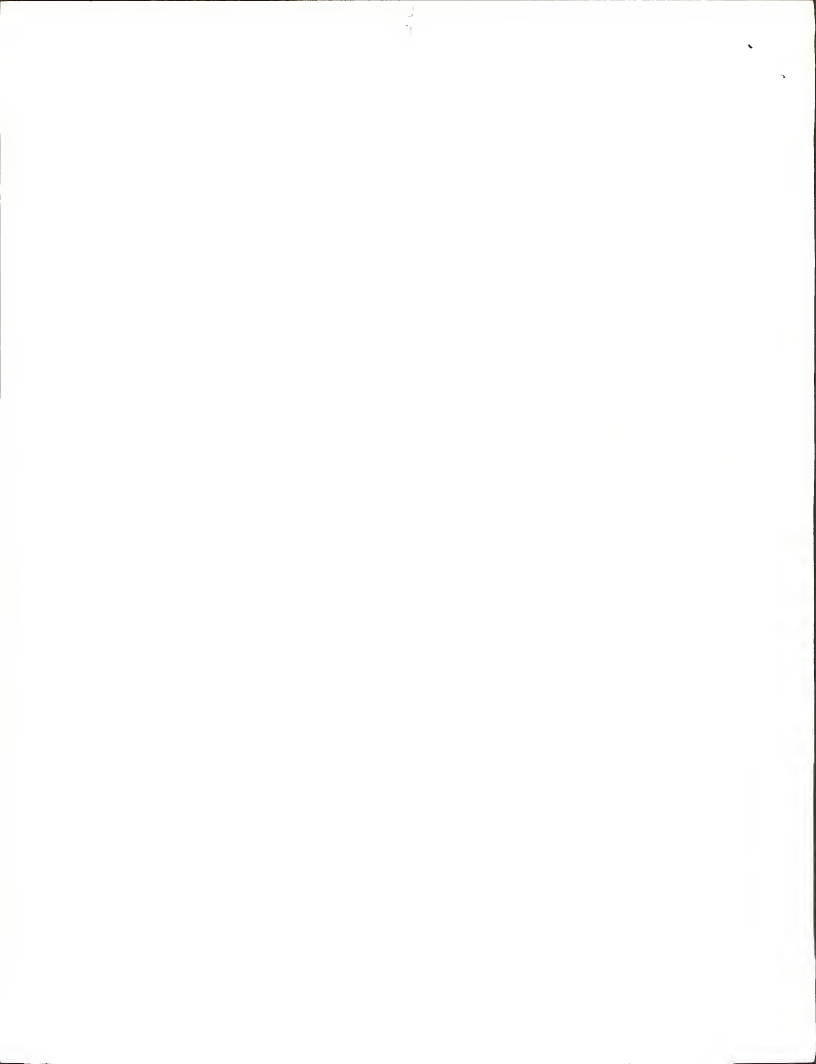
9. That the miscellaneous functions of the boards be administered as follows:

(a) the establishment of minimum price agreements by the Board of Cosmetology and the Board of Barber Examiners should be performed by the respective board;

(b) the functions of the Board of Nursing concerning education for registered nurses and licensed practical nurses, now a function of the Board of Nursing in cooperation with the Board of Regents and the Superintendent of Public Instruction, should continue to be performed by the board;

(c) the courses of instruction now provided jointly by the Board of Massage Examiners and the Massage Association should be performed by the Massage Association;

(d) the establishment of the Electrical Code, now a function of the State Electrical Board, should be performed by the department of state government responsible for public safety;



(e) the standards for education now being set by the Board of Nursing Home Administrators and Montana State University should be the sole responsibility of the board;

(f) the annual water school now conducted by the Board of Certification of Water and Waste Water Operators and Montana State University should be a joint function of the Department of Health and Montana State University;

(g) the classification of water and waste water plants by the director of the Board of Water and Waste Water Operators should be performed by him in his capacity as Environmental Sanitation Officer of the Department of Health;

(h) The establishment of the State Plumbing Code, now a function of the Plumbing Board with the approval of the Attorney General, should be performed by the Board of Health with the legal approval of the Attorney General with advice from the Plumbing Board;

(i) the statutory authority of the Water Well Contractors Board to provide for training and education should be transferred to the Department of Health.

10. That the Department have a single office, located in the capital city.

11. That all official records concerning the various professions and occupations be standardized and kept in the Helena office.

12. That the Department be headed by a Director appointed by and responsible to the Governor, and subject to confirmation by the Senate.

